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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE MONTAGUE,

Plaintiff

v.

ROBERT W. MEYERS, et al.,

Defendants

No. 1:CV-00-0895

(Magistrate Judge Smyser)

FILED
HARRISBURG, PA

JAN 25 2002

**DEFENDANTS' PROPOSED VOIR DIRE
STATEMENT AND VOIR DIRE QUESTIONS**

MARY E. D'ANDREA, C
Per 9/18
Deputy Clerk

Defendants, by and through their counsel, hereby propose the following voir dire statement to be read to the jury at jury selection and the following questions be propounded to the jury pool:

STATEMENT

This is case in which plaintiff, Terrance Montague, claims that his Eighth Amendment rights were violated by employees of the Pennsylvania Department of Corrections ("DOC") because he was placed in a cell at the State Correctional Institution at Rockview with a cellmate who smokes cigarettes. Plaintiff alleges that he suffers from asthma and that, as a result of his exposure to second-hand tobacco smoke, his asthma was aggravated. Plaintiff further claims that prison employees were deliberately indifferent to his medical needs by not transferring him to the non-

smoking block when he desired. Plaintiff seeks money damages from the prison officials.

The prison officials maintain that they were not deliberately indifferent to a serious medical need. While they acknowledge that plaintiff has an asthmatic condition, the officials assert that his condition was treated appropriately and was well controlled. The prison officials deny that they violated plaintiff's constitutional rights and maintain that their actions were taken in good faith and that the plaintiff is entitled to no relief in this case.

Proposed Voir Dire Questions

1. Do you know, or have you had any association with, any of the following persons:

Plaintiff:

Terrance Montague
Derrick Clay
Leon Hopkins
Eugene Sims
Fareed Davis

Department of Corrections employees:

Martin Horn
Robert Meyers
Terrance Whitman
David Wakefield
Jack Allar

Robin Kerstetter
Jeffrey Rackovan
Larry Lidgett

Office of Attorney General employees:

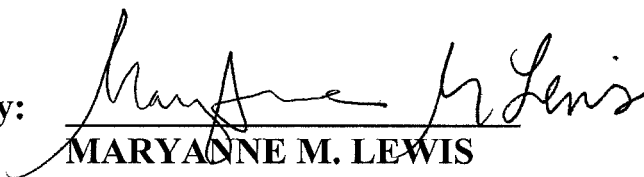
Maryanne Lewis
Gregory Neuhauser

2. Have you ever been a party to a lawsuit ?
 - a) If so, what kind of suit?
 - b) Where you a plaintiff or defendant ?
 - c) What was the result of the suit ?
3. Have you ever served on a jury before ?
 - a) If so, when ?
 - b) What Court was it in ?
 - c) What type of case was it ?
 - d) Is there any reason of which you are aware why your prior jury service would influence your decision in this case?
4. Have you, or any member of your immediate family, ever been employed by a prison and jail?
 - a) If so, what kind of contact?
 - b) Which institution ?
 - c) For how long a period of time?

5. Have you, or any member of your immediate family, had any contact or association with inmates at one of the State Correctional Institutions in Pennsylvania ?
 - a) If so what kind of contact ?
 - b) Is there any reason of which you are aware why that contact would influence your decision in this case ?
6. Do you have any feelings, one way or another, concerning second hand tobacco smoke ?
 - a) If so, what are those feelings ?
7. Have you, or any member of your immediate family, suffered from any tobacco related illness ?
 - a) If so, who?
 - b) What kind of illness?
8. Do you believe that the mere fact a lawsuit has been filed means that the person filing the suit is entitled to relief ?
9. Is there any reason of which you are aware which would prevent you from being fair and impartial in this case ?
10. Have you formed any belief about how inmates should be treated or how a prison should be managed that would prevent you from being fair and impartial ?

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By: 
MARYANNE M. LEWIS
Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

Office of Attorney General
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Harrisburg, PA 17120
FAX: (717) 772-4526
Direct Dial: (717) 787-9719

DATE: January 25, 2002

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TERRANCE MONTAGUE,

Plaintiff

v.

ROBERT W. MEYERS, et al.,

Defendants

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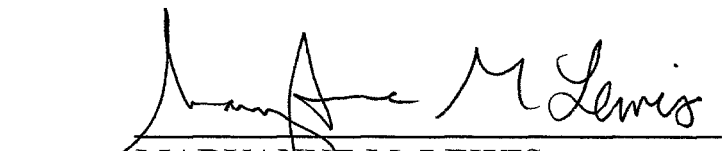
No. 1:CV-00-0895

(Magistrate Judge Smyser)

CERTIFICATE OF SERVICE

I, Maryanne M. Lewis, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on this date, I caused to be served a true and correct copy of the foregoing document, Defendants' Proposed Voir Dire Statement and Voir Dire Questions, by depositing it in the United States mail, first-class postage prepaid to the following:

Terrance Montague, BZ-2761
SCI-Rockview
Box A
Bellefonte, PA 16823-0820


MARYANNE M. LEWIS
Deputy Attorney General

DATE: January 25, 2002